

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CURTIS LEE,

Plaintiff,

v.

CITY OF PHILADELPHIA, *et al.*,

Defendants.

CIVIL ACTION
NO. 18-05332

ORDER

AND NOW, this 27th day of June, 2019, after consideration of Defendants' Motion for Judgment on the Pleadings, (ECF No. 20), and Plaintiff's Response, (ECF No. 23), it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part**.

1. Counts II, V, VI, VII, XIII, XIV for claims of malicious prosecution, false arrest, and false imprisonment under § 1983 are **DISMISSED without prejudice** against all defendants;
2. Count IV for claims of state law malicious prosecution and false arrest is **DISMISSED without prejudice** against all defendants;
3. Counts I, II, III, IV, V, VI, IX, XII, XIII, XVIII against Com. Ross are **DISMISSED without prejudice**;
4. Counts I, II, V, VI, IX, XVIII for federal claims against the City are **DISMISSED without prejudice**;
5. Counts III, IV, XII, XIII, XVIII for state law claims against the City are **DISMISSED with prejudice**;

6. All claims against the individual defendants in their official capacities (Counts VII, VIII, IX, XI, XII) and the Philadelphia Police Department are **DISMISSED with prejudice**;
7. Counts X, XI, XV, XVI, and XVII are **DISMISSED with prejudice** against all defendants as duplicative of, or encompassed in, other counts;
8. The Motion is **DENIED** with respect to claims against Officers Killman, Hunter, Rebstock, Sulock, Schweizer, Maminski, Hamoy and Ryan, and Sgt. Woods for failure to intervene under § 1983 (Counts I and II);
9. Lee has until **July 19, 2019** to file an Amended Complaint.
10. The current Scheduling Order, (ECF No. 11), is vacated. The Court will issue a separate scheduling order after July 19, 2019.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.